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12 *Attorneys for Plaintiff and the putative class*

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**

16 BRIAN GLAUSER, individually and on
behalf of all others similarly situated,

17 *Plaintiff,*

18
19 v.

20 GROUPME, INC., a Delaware corporation,

21 *Defendant.*

Case No. 4:11-cv-02584-PJH

**DECLARATION OF BENJAMIN H.
RICHMAN IN SUPPORT OF
PLAINTIFF GLAUSER'S OPPOSITION
TO GROUPME'S MOTION FOR
SUMMARY JUDGMENT ON
PLAINTIFF'S INDIVIDUAL CLAIMS**

1 Pursuant to 28 U.S.C. § 1746, I hereby declare and state as follows:

2 1. I am an attorney admitted *pro hac vice* in the United States District Court for the
3 Northern District of California. I am entering this declaration in support of Plaintiff Brian
4 Glauser's Opposition to GroupMe's Motion for Summary Judgment of Plaintiff's Individual
5 Claims. This declaration is based upon my personal knowledge, except where expressly noted
6 otherwise. If called upon to testify to the matters stated herein, I could and would competently do
7 so.

8 2. I am a partner in the law firm of Edelson PC, which has been retained to represent
9 the named-plaintiff in this matter, Brian Glauser.

10 ***Attachments to the Declaration of Shawn C. Davis***

11 3. Attached to the Declaration of Shawn C. Davis ("Davis Declaration") as Exhibit A
12 are true and accurate copies of documents bates labeled GM_0000231-0000232, which consist of
13 information related to how the GroupMe system stores data. Pursuant to the terms of the June 23,
14 2014 Protective Order entered in this matter, GroupMe has designated these documents "Highly
15 Confidential – Attorneys' Eyes Only." As a result, Plaintiff has filed contemporaneously herewith
16 an administrative motion to file these documents under seal and has submitted the documents to
17 the Court (conditionally) under seal in connection with that motion.

18 4. Attached to the Davis Declaration as Exhibit B are true and accurate copies of
19 documents bates labeled GM_0000133-0000138, which consist of an excerpt of the source code
20 underlying GroupMe's proprietary texting platform. Pursuant to the terms of the June 23, 2014
21 Protective Order entered in this matter, GroupMe has designated these documents "Highly
22 Confidential – Source Code." As a result, Plaintiff has filed contemporaneously herewith an
23 administrative motion to file these documents under seal and has submitted the documents to the
24 Court (conditionally) under seal in connection with that motion.

25 5. Attached to the Davis Declaration as Exhibit C is a true and accurate copy of a
26 document bates labeled GM_0000150, which consists of an excerpt of the source code underlying
27 GroupMe's proprietary texting platform. Pursuant to the terms of the June 23, 2014 Protective
28 Order entered in this matter, GroupMe has designated this document "Highly Confidential –

1 Source Code.” As a result, Plaintiff has filed contemporaneously herewith an administrative
2 motion to file this document under seal and has submitted the document to the Court
3 (conditionally) under seal in connection with that motion.

4 6. Attached to the Davis Declaration as Exhibit D are true and accurate copies of
5 documents bates labeled GM_0000125-0000129, which consist of an excerpt of the source code
6 underlying GroupMe’s proprietary texting platform. Pursuant to the terms of the June 23, 2014
7 Protective Order entered in this matter, GroupMe has designated these documents “Highly
8 Confidential – Source Code.” As a result, Plaintiff has filed contemporaneously herewith an
9 administrative motion to file these documents under seal and has submitted the documents to the
10 Court (conditionally) under seal in connection with that motion.

11 I declare under penalty of perjury that the foregoing is true and correct.

12 Executed on this the 30th day of September 2014 at Chicago, Illinois.

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14 /s/ Benjamin H. Richman
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